

### **DETAILED ACTION**

1. The Examiner has carefully considered Applicant's Appeal Brief filed May 10, 2007. In view of Applicant's arguments and the present Examiner's amendment, all previously set forth rejections have been withdrawn.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen Stark on August 15, 2007.

The application has been amended as follows:

Claim 1. (Currently Amended) A flooring product comprising:

a vinyl layer having a bottom layer portion and a top portion;  
and a skeletal frame having a pattern of runners disposed about openings, said runners having a height between a top surface and a bottom surface, said skeletal frame imbedded into the top layer portion of the vinyl sheet layer wherein bubbles are formed in the top portion of the vinyl sheet layer and have a top surface which extend a distance above the bottom surface of the skeletal frame and into the openings, and the bottom layer portion forms a non-porous sheet below the skeletal frame and top portion of the vinyl layer, wherein said top portion of the vinyl layer is impacted by the imbedding wherein at least one of (a) at least a portion of the top surface of the

runners remains exposed and (b) valleys extend downwardly from upper portions of the top portion of the vinyl layer toward the top surface of the runners resembling the pattern of the runners.

***Allowable Subject Matter***

3. Claims 1-10 are allowed.
4. The following is an examiner's statement of reasons for allowance: all previously set forth rejections have been withdrawn. Furthermore, no prior art was found to teach or fairly suggest the presently amended claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C. R./

/Ula C Ruddock/  
Primary Examiner, Art Unit 1771